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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No. 12-mj-70126 MAG
Plaintiff,)
v.)
MONIQUE BURNS,)
Defendant.)

) **STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set February 8, 2013, as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to set the preliminary hearing or arraignment date on March 29, 2013, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the

1 date of this Order through March 29, 2013. The parties also agree that the ends of justice served
2 by granting such an exclusion of time outweigh the best interests of the public and the defendant
3 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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5 SO STIPULATED:

6 MELINDA HAAG
United States Attorney

7 DATED: February 7, 2013

8 /s/
KEVIN J. BARRY
Assistant United States Attorney

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10 DATED: February 7, 2013

11 /s/
CAMELLIA BARAY
Attorney for MONIQUE BURNS

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13 Attestation of Filer

14 In addition to myself, the other signatory to this document is Camellia Baray. I hereby
15 certify that I have her permission to enter a conformed signature on her behalf and to file.

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17 DATED: February 7, 2013

18 /s/
KEVIN J. BARRY
Assistant United States Attorney

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21 ~~[PROPOSED]~~ ORDER

22 For the reasons stated above, the Court sets March 29, 2013, as the date for the
23 arraignment or preliminary hearing. The Court finds that extension of time limits applicable
24 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through March 29,
25 2013, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C.
26 § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of
27 the public and the defendant in the prompt disposition of this criminal case; and that the failure
28 to grant the requested exclusion of time would deny counsel for the defendant and for the

1 government the reasonable time necessary for effective preparation of counsel, taking into
2 account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.
3 §3161(h)(7)(B)(iv).

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IT IS SO ORDERED.

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7 DATED: February 7, 2013

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HON. MARIA-ELENA JAMES
Chief United States Magistrate Judge